

# **CITY OF BEDFORD**

**Bedford, Virginia**

## **Regular Council Meeting**

### **A G E N D A**

**June 13, 2006**

**6:30 p.m.**

Interviews for City School Board appointments

#### **Administrative**

**7:30 p.m.**

Approval of Minutes  
Report of City Manager  
Council Comments  
Report of Council Committees  
Revisions to Agenda

#### **Public Hearings**

- |                 |   |
|-----------------|---|
| 1-CVA-6-1-6-13  | Region 2000 Hazard Mitigation Plan                              |
| 2-FIN-2-23-6-13 | Proposed Real Property Tax Increase Resulting from Reassessment |

#### **Consent Agenda**

#### **Old Business**

#### **New Business**

- |                   |  |
|-------------------|--|
| 3-FIN-2-23-6-13   | Ordinance Establishing Real Estate Tax Rate – Fiscal Year 2006-2007 (roll call)  |
| 4-FIN-2-23-6-13   | Resolution – Setting Percentage Tax Relief to Exhaust PPTRA Relief Funds (roll call)   |
| 5-FIN-2-23-6-13   | Ordinance Establishing Personal Property Tax Rate – Calendar Year 2006 (roll call)   |
| 6-FIN-2-23-6-13   | Approval of New Refuse Collection Rates (roll call)  |
| 7-FIN-2-23-6-13   | Approval of New Electric Rate Tariffs (roll call)  |
| 8-FIN-2-23-6-13   | Ordinance Establishing Funds for Public Schools (roll call)  |
| 9-FIN-2-23-6-13   | Adoption of Budget for Fiscal Year 2006-2007 (roll call)   |
| 10-FIN-2-23-6-13  | Ordinance Appropriating Funds – Fiscal Year 2006-2007 (roll call)  |
| 11-CVA-6-1-6-13   | Resolution – Adoption of Regional Hazard Mitigation Plan (roll call)   |
| 12-PW-18-8-1-6-13 | Resolution – Region 2000 Solid Waste Management Initiative (roll call)   |
| 13-CITY-23-1-6-13 | Resolution Approving the Assignment of the Cable Television Franchise (roll call)  |
| 14-FIN-6-13       | Appropriating Funds Borrowed for the Purchase of a Generator (roll call)   |
| 15-FIN-6-13       | Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (roll call)                                 |
|                   | Closed Session pursuant to Section 2.2-3711 (a) (7) of the Code of Virginia of 1950, as amended, to discuss litigation           |
|                   | Closed Session pursuant to Section 2.2-3711 (a) (1) of the Code of Virginia of 1950, as amended, discussion of personnel matters |

**(CITY SEAL)**

**PUBLIC HEARING NOTICE**

Notice is hereby given of a public hearing to be held by Council at 7:30 p.m. on Tuesday, June 13, 2006, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Consideration of adoption of the Region 2000 Hazard Mitigation Plan

Information regarding this request is on file in the office of Planning & Community Development and can be viewed online at <http://www.cgib.vt.edu/region2000/resources.asp>.

By the Authority of the City Council of the  
City of Bedford

Publish: Bedford Bulletin  
May 24, 2006  
May 31, 2006

(CITY SEAL)

**NOTICE OF PROPOSED  
REAL PROPERTY TAX INCREASE**

Pursuant to Section 58.1-3321, Code of Virginia (1950), as amended, notice is hereby given that the City of Bedford proposes to increase property tax levies.

1. Assessment Increase: The total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 20 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$.69 per \$100 of assessed value. This rate will be known as the "lowered tax rate".
3. Effective Rate Increase: The City of Bedford proposes to adopt a tax rate of \$.83 per \$100 of assessed value. The difference between the lowered tax rate and the proposed tax rate would be \$.14 per \$100, or 20 percent. The difference will be known as the "effective tax rate increase". Individual property taxes may, however, increase at a percentage greater than or less than the above percentages.
4. Proposed Total Budget Increase: Based on the proposed real estate tax rate and changes in other revenues, the total general fund budget of the City of Bedford will exceed last year's by 10.7 percent.

A public hearing on the "effective tax rate increase" will be held on Tuesday, June 13, 2006, at 7:30 p.m., or as soon thereafter as the matter may be heard, in the Council Hall of the City Municipal Building. All persons desiring to be heard shall be accorded an opportunity to present oral testimony within such reasonable time limits as shall be determined by City Council.

Teresa W. Hatcher  
Clerk of Council  
City of Bedford

Publish May 31, 2006 (1 time)

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Ordinance Establishing Real Estate Tax Rate - Fiscal Year 2006-2007

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 6, 2006

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**PRESENTATION:**

Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council annually levy a tax on all real estate located within the City. The attached ordinance establishes a tax rate for Fiscal Year 2006-2007 of \$0.81 per one hundred dollars of assessed valuation. The ordinance has been posted in accordance with § 2-30 of the City Code.

**ACTION REQUESTED:**

City Council is requested to adopt the ordinance establishing the real estate tax rate for Fiscal Year 2006-2007 at \$0.81 per one hundred dollars of assessed valuation.

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		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY. ( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS. ( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV. ( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV. ( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC ( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING ( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE ( )	I.T. ( )
					FIRE DEPT. ( )	OTHER:_____

**AN ORDINANCE LEVYING TAX UPON REAL ESTATE AND  
CERTAIN TANGIBLE PERSONAL PROPERTY OF  
PUBLIC SERVICE CORPORATIONS AND ESTABLISHING THE TAX RATE  
THEREON FOR THE FISCAL YEAR BEGINNING JULY 1, 2006**

**ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Bedford, Virginia, that there be, and is hereby levied for the Fiscal Year 2006-2007, a tax rate of \$0.81 per one hundred dollars of assessed valuation on all taxable real estate located in the City, the respective levy hereby ordered being also applicable to the real estate and tangible personal property of public service corporations within the limitations specified by Section 58.1-2606 of the Code of Virginia of 1950, as amended, based upon the assessment thereof fixed by the State Corporation Commission and duly certified.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Resolution – Setting Percentage Tax Relief to Exhaust PPTRA Relief Funds

**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 1, 2006

**PRESENTATION:**

The Virginia General Assembly in 1998 passed the Personal Property Tax Relief Act with the philosophy that relief would be gradually implemented to eliminate personal property tax on personal use motor vehicles. By 2004, the Virginia General Assembly had revised its philosophy and capped the contribution from the Commonwealth to localities for reimbursement for personal property taxes.

As a result, the City Council, on November 22, 2005, in accordance with state statutes, adopted an ordinance which provided that the funds to be reimbursed to the City of Bedford by the Commonwealth would be allocated in such a manner as to eliminate personal property taxation on each qualifying vehicle with an assessed value of \$1,000 or less and that the Council would set, annually by resolution, a percentage of relief in respect to assessed values of more than \$1,000 as applied to the first \$20,000 in value of each such qualifying vehicle so as to exhaust fully the PPTRA relief funds provided to the City by the Commonwealth.

The Commissioner of Revenue and the Finance Director have been advised that the State has allocated \$280,647.01 toward personal property tax relief in the City of Bedford for fiscal year 2006-2007. They recommend, based upon projected personal property tax valuations that the reimbursement relief rate be set at 65%.

The net effect of the resolution is to provide that the state relief funds will be allocated in such a way that for fiscal year 2006-2007, (a) personal property taxation upon qualifying vehicles with an assessed value of \$1,000 or less will be eliminated; (b) in respect to that portion of assessed value over \$1,000 and no more than \$20,000, 65% of the applicable tax will be relieved, and (c) the applicable tax rate shall apply to all assessed values over \$20,000 and to all non-qualifying vehicles.

**ACTION REQUESTED:**

City Council is requested to adopt the resolution as recommended by City staff.

			YES	NO	OTHER	ROUTING		
DATE: _____		FLOOD	( )	( )	( )	CITY ATTY.	( )	HR ( )
		HUBBARD	( )	( )	( )	CITY TREAS.	( )	PKS/REC/CEM ( )
APPROVED ( )		MESSIER	( )	( )	( )	COMM.DEV.	( )	POLICE ( )
DENIED ( )		PADGETT	( )	( )	( )	COMM.REV.	( )	PUBLIC WKS. ( )
DEFERRED TO:		STANLEY	( )	( )	( )	ELECTRIC	( )	SEWER ( )
_____		THARP	( )	( )	( )	ENGINEERING	( )	WATER ( )
		WANDREI	( )	( )	( )	FINANCE	( )	I.T. ( )
						FIRE DEPT.	( )	OTHER: _____

**A RESOLUTION ESTABLISHING A PERCENTAGE TAX RELIEF RATE PURSUANT  
TO THE VIRGINIA PERSONAL PROPERTY TAX RELIEF ACT**

**WHEREAS**, the Virginia General Assembly in 1998 passed the Personal Property Relief Act based upon a philosophy that in passing the Act the personal property tax on personal motor vehicles would be eliminated; and

**WEHREAS**, in 2001, the Virginia General Assembly set the reimbursement rate to localities for personal property taxes for personal vehicles at seventy percent (70%) of the personal property tax amount; and

**WHEREAS**, in 2004, the Virginia General Assembly enacted statutes which drastically changed the philosophy of the Act and capped the contribution of the Commonwealth to localities for reimbursement for personal property taxes; and

**WHEREAS**, on November 22, 2005 the City Council of the City of Bedford passed an ordinance (Ordinance No. 05-24) which provided, among other things, that the allocation of personal property tax relief be allocated in such a manner as to eliminate personal property taxation on each qualifying vehicle with an assessed value of \$1,000 or less and that with respect to qualifying vehicles with assessed values of more than \$1,000 the City Council, by resolution, would set annually a percentage to be applied to the first \$20,000 in value of each such qualifying vehicle that based upon estimates of assessments would use up all remaining available state personal property tax relief; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEDFORD AS FOLLOWS:**

Section 1. In accordance with the requirements set forth in Section 58.1-3524(C) (2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle having a situs within the City commencing January 1, 2006, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 65% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 65% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor home, etc.) will not be eligible for any form of tax relief under this program.

- In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed 'non-qualifying' for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

Section 2. Any amount of Personal Property Tax Relief Act relief not used within and the City's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.

Section 3. This Resolution shall take effect on July 1, 2006.



**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Ordinance Establishing Personal Property Tax Rate - Calendar Year 2006

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 6, 2006

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**PRESENTATION:**

Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council shall annually levy a tax on tangible personal property located within the City. The attached ordinance establishes a tax rate for calendar year 2006 of \$1.80 per one hundred dollars of one hundred per centum (100%) of assessed value on all taxable tangible personal property, with the exception of household goods and personal effects as classified in §58.1-3504 and farm animals, grain and tobacco, as classified in §58.1-3505. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 16 of §58.1-3503 is taxed at a levy of \$1.50 per one hundred dollars of one hundred per centum (100%) of the assessed valuation. The ordinance also establishes a tax rate of \$1.30 per one hundred dollars of one hundred per centum (100%) of assessed valuation on cattle, sheep and goats, and farm machinery and farm implements as classified in §58.1-3505, and machinery and tools as classified in §58.1-3507, and motor carriers as separately classified in §58.1-3506. The ordinance has been posted in accordance with §2-30 of the City Code.

**ACTION REQUESTED:**

City Council is requested to adopt the ordinance establishing the personal property tax rate for Calendar Year 2006.

		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY.	( ) HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( ) PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( ) POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( ) PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( ) SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING	( ) WATER ( )
	WANDREI	( )	( )	( )	FINANCE	( ) I.T. ( )
					FIRE DEPT.	( ) OTHER:_____

**AN ORDINANCE LEVYING TAX UPON  
TANGIBLE PERSONAL PROPERTY AND  
ESTABLISHING THE TAX RATES THEREON  
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2006**

**ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Bedford, Virginia, that there be, and is hereby levied, for the calendar year 2006, a tax rate of \$1.80 per one hundred dollars of one hundred per centum (100%) of assessed value on all taxable tangible personal property, including property separately classified in Section 58.1-3503 of the Code of Virginia of 1950, as amended, unless exempted from taxation or subject to a different rate under this ordinance. All tangible personal property employed in a trade or business other than that described in subdivisions 1 through 18 of Section 58.1-3503 is taxed at a levy of \$1.50 per one hundred dollars of one hundred per centum (100%) of the assessed valuation. Household goods and personal effects as classified in Section 58.1-3504 and horses, mules and other kindred animals, hogs, poultry, grains and other feeds used for the nurture of farm animals, grain and tobacco as such items are classified in Section 58.1-3505 are exempted in whole from tangible personal property taxation. The following items are taxed at a rate of \$1.30 per one hundred dollars of one hundred per centum (100%) of the assessed valuation: (a) cattle, sheep and goats, and farm machinery and farm implements as separately classified in Section 58.1-3505; and (b) machinery and tools as separately classified in Section 58.1-3507; and (c) motor carriers as separately classified in Section 58.1.3506.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Approval of New Refuse Collection Rates

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 5, 2006

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**PRESENTATION:**

As part of the budget process for Fiscal Year 2007, City staff has recommended an increase in refuse collection rates of \$2.00 per month for residential customers and a 15% increase per month for commercial customers. This increase will be effective for billing on and after July 1, 2006.

**ACTION REQUESTED:**

City Council is requested to approve the new monthly refuse collection rate schedule effective with billings on and after July 1, 2006.

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		YES	NO	OTHER	ROUTING		
DATE: _____	FLOOD	( )	( )	( )	CITY ATTY.	( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING	( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE	( )	I.T. ( )
					FIRE DEPT.	( )	OTHER: _____

**CITY OF BEDFORD**  
**REFUSE RATES**  
**EFFECTIVE 7-1-06**

<b>RATE CODE</b>			<b>MONTHLY RATE</b>
RC01	City Residential		\$ 15.00
RC02	County Residential		\$ 17.79
RC03	Commercial		\$ 28.11
RC03-2	Commercial		\$ 56.21
RC04	Commercial		\$ 215.48
RC05	Commercial		\$ 65.58
RC06	Commercial		\$ 74.95
RC07	Commercial		\$ 946.22
RC08	Commercial		\$ 861.91
RC09	Commercial		\$ 421.59
RC10	Commercial		\$ 221.44

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Approval of New Electric Rate Tariffs

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 5, 2006

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**PRESENTATION:**

As part of the budget process for Fiscal Year 2007, City Council was presented with an increase in the cost of purchased wholesale electric power of approximately 23%. In order to balance the proposed budget, an increase in electric rates of 20% was proposed. This increase will be effective for all tariff classes as of July 1, 2006.

**ACTION REQUESTED:**

City Council is requested to approve the new electric rate tariffs effective with billings on and after July 1, 2006.

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		YES	NO	OTHER		ROUTING	
DATE: _____	FLOOD	( )	( )	( )	CITY ATTY.	( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING	( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE	( )	I.T. ( )
					FIRE DEPT.	( )	OTHER: _____

**SCHEDULE S.W.S.**  
**(Sanctuary Worship Service)**

**AVAILABILITY OF SERVICE**

Available only to the synagogue or church building in which the sanctuary or principal place of worship is located and to all educational buildings which are physically attached by enclosed corridors or hallways to the building in which the sanctuary or principal place of worship is located.

**MONTHLY RATE**

Customer Charge	\$8.52 per month
Energy Charge	
First 900 KWH	\$0.087408 per KWH
All Over 900 KWH	\$0.072480 per KWH

**MINIMUM CHARGE**

This Schedule is subject to a minimum monthly charge equal to the Customer Charge.

**PAYMENT**

Bills are due upon presentation and payable at the main office, or authorized collection agencies, of the City within twenty (20) days of the bill preparation date. A charge of 1 ½% per month will be applied to any account balances not received by the City by the next bill preparation date.

**TERM**

Annual

**SPECIAL TERMS AND CONDITIONS**

Auxiliary buildings of church organizations, such as classrooms, day care centers, etc., are not eligible for this rate unless such buildings, including the electrical wiring, are an integral part of and physically attached to the building in which the sanctuary is located.

See Terms and Conditions of Service.

Issued: June 13, 2006

Issues by the Council of the City of Bedford, Virginia

Effective: July 1, 2006

**SCHEDULE I-4**  
**(Industrial Power-4)**

**AVAILABILITY OF SERVICE**

Available for general service delivered and measured at voltage levels which have been designed as primary distribution, subtransmission, or transmission voltages for service in the general area, but not less than 2.4 KV. Customers shall have a capacity of 5,000 KW or more.

**MONTHLY RATE**

Customer Charge	\$300.00/month
Facilities Charge	\$5,350.00/month
Demand Charge	
Each KW of Monthly Billing Demand	\$4.80/KW
Energy Charge	
All Billing KWH	\$0.040200/KWH
Reactive Demand Charge	
For each KVAR of lagging reactive demand in excess of 50% of the KW monthly billing demand	\$1.008/KVAR

**MEASUREMENT AND DETERMINATION OF DEMAND AND ENERGY**

The billing demand in KW shall be taken each month as the highest single 30-minute peak in KW as registered during the month by a demand meter or indicator, but the monthly billing demand so established shall in no event be less than 60% of the previous 12-month peak, nor less than 1,000 KW.

The reactive demand in KVAR shall be taken each month as the highest single 30-minute peak in KVAR as registered during the month by a KVAR meter or indicator.

Billing KWH shall be metered KWH, except, when the City elects to measure energy at the secondary side of transformers owned by the customer, billing KWH shall be metered KWH multiplied by 1.04, billing KW shall be metered KW multiplied by 1.04, and billing KVAR shall be metered KVAR multiplied by 1.04.

**MINIMUM CHARGE**

This Schedule is subject to a minimum monthly charge equal to \$5,650 USD.

**FACILITIES CHARGE**

As part of the MONTHLY RATE charges stated above, the Consumer shall pay monthly Facilities Charges based on the installed cost of facilities furnished by the City and its wholesale power suppliers to render service to the Consumer hereunder.

**SCHEDULE I-4**  
**(Industrial Power-4 - Continued)**

The City's Facility Charge shall be the dollar investment in facilities provided by the City (including net replacements) to furnish service hereunder to the Consumer times a monthly carrying cost factor.

This factor is based upon costs estimated at the effective date shown below and may be revised by the City in accordance with the latest cost information available, upon notice to Consumer of how any such revision is calculated. The City's facilities shall include both specific and reasonably allocable investment amounts associated with providing service to the Consumer. In no event shall any Facility Charge exceed \$5,650 USD/month during the term of this agreement.

**PAYMENT**

Bills due shall be paid within 20 days of the bill preparation date at the office of the Seller for service furnished or made available during the preceding month. If the Consumer shall fail to make any such payment on or before this date, the Seller shall add a one and one-half percent (1 ½%) penalty to the bill.

**TERM**

Service hereunder shall be for a period of not less than one (1) year, and thereafter on year-to-year terms unless provided otherwise by written agreement between the City and the Consumer.

**SPECIAL TERMS AND CONDITIONS**

See Agreement for Electric Services between Wheelabrator Abrasives, Inc., and the City of Bedford, Virginia Electric Department, effective as of the date of the Agreement.



Issued: June 13, 2006

Effective: July 1, 2006

Issued by the Council of the City of Bedford, Virginia

**SCHEDULE L.C.P.  
(Large Capacity Power)**

**AVAILABILITY OF SERVICE**

Available for general service delivered and measured at voltage levels which have been designed as primary distribution, subtransmission, or transmission voltages for service in the general area, but not less than 2.4 KV. Customers shall have a capacity of 1000 KW or more.

**MONTHLY RATE**

	Delivery Voltage	
	<u>2.4 – 40 KV (\$)</u>	<u>Over 40 KV (\$)</u>
Customer Charge	313.43/ month	650.53/month
Demand Charge		
Each KW of Monthly Billing Demand	12.90/KW	11.57/KW
Energy Charge		
All Billing KWH	0.028080/KWH	0.026400/KWH
Reactive Demand Charge		
For each KVAR of lagging reactive demand in excess of 50% of the KW monthly billing demand	1.008/KVAR	1.008/KVAR

**MEASUREMENT AND DETERMINATION OF DEMAND AND ENERGY**

The billing demand in KW shall be taken each month as the highest single 30-minute peak in KW as registered during the month by a demand meter or indicator, but the monthly billing demand so established shall in no event be less than 60% of the previous 12-month peak, nor less than 1,000 KW.

The reactive demand in KVAR shall be taken each month as the highest single 30-minute peak in KVAR as registered during the month by a KVAR meter or indicator.

Billing KWH shall be metered KWH, except, when the City elects to measure energy at the secondary side of transformers owned by the customer, billing KWH shall be metered KWH multiplied by 1.04, billing KW shall be metered KW multiplied by 1.04, billing KVAR shall be metered KVAR multiplied by 1.04.

**MINIMUM CHARGE**

This Schedule is subject to a minimum monthly charge equal to the sum of the customer charge, demand charge, energy charge, and reactive demand charge of the monthly rate.

**SCHEDULE L.C.P.**  
**(Large Capacity Power – Continued )**

**PAYMENT**

Bills are due upon presentation. Any amount due and not received at the main office, or authorized collection agencies, of the City within twenty (20) days of the bill preparation date shall be subject to a delayed payment charge of 1 ½ %.

**TERM OF CONTRACT**

Annual.

**SPECIAL TERMS AND CONDITIONS**

See Terms and Conditions of Service.

**SCHEDULE L.G.S.  
(Large General Service)**

**AVAILABILITY OF SERVICE**

Available for large general service. Customers having a capacity of 100 KW or more.

**MONTHLY RATE**

	Delivery Voltage	
	120 to 1000 Volts (\$)	Over 1000 Volts (\$)
Customer Charge	51.72/ month	103.44/month
Demand Charge		
All KW of Billing Demand	14.1840/KW	13.3200/KW
Reactive Demand Charge		
All KVAR of Lagging Reactive Demand	0.45828/KVAR	0.45828/KVAR
Energy Charge		
All Metered KWH	.037500	.037500

**DETERMINATION OF BILLING DEMAND**

The billing demand in KW shall be taken each month as the highest 15-minute peak in kilowatts as registered during the month by a demand meter or indicator. Monthly billing demand established hereunder shall not be less than 60% of the previous 12-month peak, nor less than 100 KW.

The reactive demand in KVAR shall be taken each month as the highest single 15-minute peak in KVAR as registered during the month by a KVAR meter or indicator. Billing demands shall be rounded to the nearest one KW and KVAR.

**MINIMUM CHARGE**

This Schedule is subject to a minimum monthly charge equal to the sum of the customer charge, demand charge, energy charge, and reactive demand charge of the monthly rate.

**PAYMENT**

Bills are due upon presentation. Any amount due and not received at the main office, or authorized collection agencies, of the City within twenty (20) days of the bill preparation date shall be subject to a delayed payment charge of 1 ½ %.

**TERM**

Annual.

**SPECIAL TERMS AND CONDITIONS**

See Terms and Conditions of Service.

Issued: June 13, 2006

Effective: July 1, 2006

Issued by the Council of the City of Bedford, Virginia

**SCHEDULE O.L.  
(Outdoor Lighting)**

**AVAILABILITY OF SERVICE**

Available for outdoor lighting to individual customers and municipal street lighting systems.

**MONTHLY RATE**

Overhead Lighting Service

A.	For each 175 w MV/100 w HPS	\$12.94 per month
	For each 250 w MV/150 w HPS	\$17.04 per month
	For each 400 w MV/250 w HPS	\$21.30 per month

The City will provide lamp, photo-electric relay control equipment, luminaire and upsweep arm, and shall mount same on an existing pole. If a new pole which can be connected to existing secondary circuits by one span of not over 150 feet is installed by the City at the customer's request, the customer will pay an installation charge of \$100.00.

- B. When new facilities, in addition to those specified in Paragraph A are to be installed by the City, the customer will, in addition to the above monthly charge, pay in advance the installation cost of such additional facilities.

**PAYMENT**

For all Residential customers with outdoor lights, bills are due upon presentation and payable at the main office or authorized collection agencies, of the City within twenty (20) days of the bill preparation date. A charge of 1 ½% per month will be applied to any account balances not received by the City by the next bill preparation date.

For all other customers with outdoor lights, bills are due upon presentation. Any amount due and not received at the main office, or authorized collection agencies of the City, within twenty (20) days of the bill preparation date shall be subject to a delayed payment charge of 1 ½%.

**HOURS OF LIGHTING**

All lamps shall burn from one-half hour after sunset until one-half hour before sunrise, every night and all night, burning approximately 4,000 hours per annum.

**OWNERSHIP OF FACILITIES**

All facilities necessary for service, including fixtures, controls, poles, transformers, secondaries, lamps and other appurtenances, shall be owned and maintained by the City. All service and necessary maintenance will be performed only during the regular scheduled working hours of the City. The City shall be allowed 48 hours after notification by the customer to replace all burned-out lamps.

**SCHEDULE O.L.**  
**(Outdoor Lighting - Continued)**

**TERM OF CONTRACT**

For residential or farm customers – one year.  
For commercial or general service customers – three years.

**SPECIAL TERMS AND CONDITIONS**

See Terms and Conditions of Service.

The City shall have the option of rendering bills monthly or bi-monthly.

**SCHEDULE R.S.  
(Residential Electric Service)**

**AVAILABILITY OF SERVICE**

Available for full domestic electric service through one meter to individual residential customers, including rural residential customers engaged principally in agricultural pursuits.

**MONTHLY RATE**

Customer Charge	\$8.52 per month
Energy Charge	
First 900 KWH	\$0.087408 per KWH
All Over 900 KWH	\$0.072480 per KWH

**MINIMUM CHARGE**

This Schedule is subject to a minimum monthly charge equal to the Customer Charge.

**PAYMENT**

Bills are due upon presentation and payable at the main office, or authorized collection agencies, of the City within twenty (20) days of the bill preparation date. A charge of 1 ½% per month will be applied to any account balances not received by the City by the next bill preparation date.

**TERM**

Annual

**SPECIAL TERMS AND CONDITIONS**

See Terms and Conditions of Service.

This Schedule is available to rural domestic customers engaged principally in agricultural pursuits where service is taken through one meter for residential purposes, as well as for the usual farm uses outside the home, but service under this Schedule shall not be extended to operations of a commercial nature or operations such as processing, preparing or distributing products not raised or produced on the farm, unless such operation is incidental to the usual residential and farm uses.

Normally, this Schedule is available for single-phase service only. However, at the City's option, and subject to the City's Terms and Conditions of Service relating to the extension of service, three-phase service may be provided to individual residences under this Schedule, when all service on such Schedule is taken through one meter and usage is for domestic or agricultural purposes. Where three-phase power service is required and/or where motors or heating equipment are used for commercial or industrial purposes, the applicable power Schedule will apply to such power service.

Issued: June 13, 2006

Effective: July 1, 2006

Issued by the Council of the City of Bedford, Virginia

**SCHEDULE S.G.S.  
(Small General Service)**

**AVAILABILITY OF SERVICE**

Available for small general service customers with normal maximum electrical capacity requirements of less than 300 KW per month. When a customer being served under this Schedule establishes or exceeds a normal maximum requirement of 300 KW per month, the customer will be placed on the appropriate rate Schedule.

**MONTHLY RATE**

Customer Charge	\$13.08 per month
Demand Charge	
All over 2.5 KW of Billing Demand	\$5.48 per KW
Energy Charge	
All Metered KWH	\$0.069600 per KWH

**DETERMINATION OF BILLING DEMAND**

The billing demand in KW shall be taken each month as the highest registration of a 15-minute demand meter or indicator.

Monthly billing demands of these customers shall not be less than 60% of the previous 12-month peak. Monthly billing demands will be rounded to the nearest tenth.

**EQUIPMENT SUPPLIED BY CUSTOMER**

When the customer owns, operates, and maintains the complete substation equipment, including any and all transformers and/or switches and/or other apparatus necessary for the customer to take his entire service at the primary voltage of the transmission or distribution line from which said customer is to receive service, a credit of \$0.30 per KW of monthly billing demand will be applied to each monthly bill.

**MINIMUM CHARGE**

This Schedule is subject to a minimum monthly charge equal to the customer charge, plus such additional charges as are derived from application of the demand charge, energy charge, and, if applicable, equipment credits.

**PAYMENT**

Bills are due upon presentation. Any amount due and not received at the main office, or authorized collection agencies, of the City within twenty (20) days of the bill preparation date shall be subject to a delayed payment charge of 1 ½%.



**SCHEDULE S.G.S.**  
**(Small General Service - Continued)**

**TERM**

Annual

**SPECIAL TERMS AND CONDITIONS**

See Terms and Conditions of Service.

Issued: June 13, 2006

Issued by the Council of the City of Bedford, Virginia

Effective: July 1, 2006

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Ordinance Establishing Funds for Public Schools

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 6, 2006

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**PRESENTATION:**

Councilman Tom Padgett's wife is Chief Financial Officer of the Bedford County School Board. The Commonwealth's Attorney on June 17, 2003, ruled that under the Virginia Conflict of Interest Act Mr. Padgett should not vote on the City budget if it contained an appropriation for the schools. There have been no pertinent changes in the State legislation. Accordingly, as was done last year, the schools appropriation will be treated as a separate agenda item so that Councilman Padgett can vote on the remainder of the budget.

**ACTION REQUESTED:**

City Council is requested to adopt the ordinance establishing funds for the public schools for the 2006-07 fiscal year.

		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY. ( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS. ( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV. ( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV. ( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC ( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING ( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE ( )	I.T. ( )
					FIRE DEPT. ( )	OTHER:_____

## **ORDINANCE**

**BE IT ORDAINED** that the City Council of the City of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 2006-2007 for Share of County Public Schools in the General Fund as shown in said budget are hereby appropriated, and that the City Manager is authorized to expend the funds in accordance with said budget and in accordance with prior appropriations.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Adoption of Budget for Fiscal Year 2006-2007

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 6, 2006

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**PRESENTATION:**

The Fiscal Year 2006-2007 Budget is a document that has resulted from a very structured and formal development process. It was presented publicly at the regular City Council meeting on April 25, 2006. Council conducted a daylong work session to further refine it on May 5, 2006. A public hearing on the budget was conducted May 23, 2006, and interested parties were given an opportunity to publicly voice their opinion of its contents.

Having gone through this process, staff feels that the Fiscal Year 2006-2007 Budget in its current form is a policy document that is adequate to serve as the City's work plan for the coming year.

**ACTION REQUESTED:**

City Council is requested to adopt the budget for Fiscal Year 2006-2007.

			YES	NO	OTHER	ROUTING			
DATE:_____		FLOOD	( )	( )	( )	CITY ATTY.	( )	HR	( )
		HUBBARD	( )	( )	( )	CITY TREAS.	( )	PKS/REC/CEM	( )
APPROVED	( )	MESSIER	( )	( )	( )	COMM.DEV.	( )	POLICE	( )
DENIED	( )	PADGETT	( )	( )	( )	COMM.REV.	( )	PUBLIC WKS.	( )
DEFERRED TO:		STANLEY	( )	( )	( )	ELECTRIC	( )	SEWER	( )
_____		THARP	( )	( )	( )	ENGINEERING	( )	WATER	( )
		WANDREI	( )	( )	( )	FINANCE	( )	I.T.	( )
						FIRE DEPT.	( )	OTHER:_____	

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Ordinance Appropriating Funds - Fiscal Year 2006-2007

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 6, 2006

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**PRESENTATION:**

Section 58.1-3005 of the Code of Virginia of 1950, as amended, requires that Council shall, on a regular basis, make an appropriation of funds for expenditure by the City. The attached ordinance directs that the funds as set out in the budget for Fiscal Year 2006-2007 be appropriated and set aside to the appropriate funds, and authorizes the City Manager to expend the funds in accordance with said budget and in accordance with prior appropriations. The ordinance denoting the original appropriations has been posted in accordance with §2-30 of the City Code.

**ACTION REQUESTED:**

City Council is requested to adopt the ordinance appropriating funds as set out in the budget for Fiscal Year 2006-2007 and authorize the City Manager to expend the funds in accordance with said budget.

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		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY.	( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( )
_____	THARP	( )	( )	( )	ENGINEERING	( )
	WANDREI	( )	( )	( )	FINANCE	( )
					FIRE DEPT.	( )
					OTHER:_____	

## **ORDINANCE**

**BE IT ORDAINED** that the City Council of the City of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 2006-2007 for the City of Bedford are appropriated and set aside to the General Fund (except for the appropriation for the Share of County Public Schools, which shall be considered separately), to the Solid Waste Fund, to the Water and Sewer Fund, to the Electric Fund, and to the E911 Fund as shown in said budget, and that the City Manager is authorized to expend the funds in the General Fund, Solid Waste Fund, Water and Sewer Fund, Electric Fund, and E911 Fund in accordance with said budget and in accordance with prior appropriations.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Resolution – Adoption of Regional Hazard Mitigation Plan

**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 2, 2006

**PRESENTATION:**

The Disaster Mitigation Act of 2000 (DMA2K) requires that local governments develop and adopt natural hazard mitigation plans in order to receive hazard mitigation grant funds in the future. For communities to be eligible for the Flood Mitigation Assistance (FMA) program they must develop and adopt flood mitigation plans in order to receive funding for flood mitigation funds.

Adoption of regional mitigation plans by localities will satisfy the requirements of the Disaster Mitigation Act of 2000. Accordingly, the City of Bedford has participated in the development of the Region 2000 All Hazards Mitigation Plan/Flood Mitigation Plan, and the document contains provisions that are specific and germane to the City.

The All Hazards Mitigation Plan/Flood Mitigation Plan describes and analyzes in detail natural hazards like winter storms, drought, hurricanes, wildfires as well as floods that impact our region and offers mitigation options to reduce the impact of these natural disasters on our citizens, businesses, infrastructure, and property. A copy of the executive summary is included in the agenda packet.

In order to meet the requirements of DMA2K and FMA and be eligible for future disaster funding, each local jurisdiction must adopt the Plan. The Plan, which was developed on a multi-jurisdictional basis, has been approved by the Federal Emergency Management Agency (FEMA) contingent on the adoption of the Plan by each of the 11 local governments in Region 2000.

**ACTION REQUESTED:**

City Council is requested to adopt the Region 2000 All Hazards Mitigation Plan/Flood Mitigation Plan. A resolution to that effect has been prepared.

		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY.	( ) HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( ) PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( ) POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( ) PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( ) SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING	( ) WATER ( )
	WANDREI	( )	( )	( )	FINANCE	( ) I.T. ( )
					FIRE DEPT.	( ) OTHER: _____

**RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF BEDFORD  
ADOPTING THE REGION 2000 ALL HAZARDS MITIGATION PLAN/FLOOD  
MITIGATION PLAN**

**WHEREAS**, the City of Bedford, Virginia (the “City”) is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

**WHEREAS**, the Region 2000 Steering Committee representing the City of Bedford, as well as the remaining 10 localities of the Region 2000 Regional Commission, was convened in order to study the Region’s risks from and vulnerability to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Region; and

**WHEREAS**, the Steering Committee was provided staff support by the Region 2000 Regional Commission; and

**WHEREAS**, the efforts of the Steering Committee, the staff of the Region 2000 Regional Commission and Virginia Tech’s Center for Geospatial Technology as well as members of the public, private and nonprofit sectors, have resulted in the development of a Natural Hazards Mitigation Plan and Flood Mitigation Plan for the Region; and

**WHEREAS**, the City Council of the City of Bedford held a public hearing concerning the provisions of the Plan at its regular meeting on June 13, 2006;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Bedford, Virginia that the REGION 2000 ALL HAZARDS MITIGATION PLAN/FLOOD MITIGATION PLAN be formally adopted this 13<sup>th</sup> day of June 2006.





## Executive Summary

*The vision for the Virginia's Region 2000 Partnership Local Government Council's Hazard Mitigation Plan is to lessen the impacts from natural and manmade hazards, prepare the region to respond to future events, and encourage regional collaboration by pursuing funding and promoting mitigation actions focusing on structural projects, education, information and data development, and policy and planning.*

The Region 2000 Multi-Jurisdiction Hazard Mitigation Plan was developed in 2004 and 2005 to satisfy local planning requirements of the Federal Emergency Management Agency (FEMA) Disaster Mitigation Act of 2000 (DMA2K). The DMA2K legislation (Public Law 106-390) brought increased emphasis on pre-disaster planning and funding to reinforce the importance of mitigation planning and emphasizes planning for disasters before they occur. As such, DMA2K established a pre-disaster hazard mitigation program and new requirements for the national Hazard Mitigation Grant Program (HMGP). States and local governments are now required to adopt FEMA-approved hazard mitigation plans in order to qualify for pre and post disaster federal hazard mitigation funding, such as HMGP.

For Region 2000, HMGP planning funding from Hurricane Isabel provided funds to develop a multi-jurisdictional hazard mitigation plan for the participating communities of Amherst County (including Town of Amherst), Appomattox County (including the Towns of Appomattox and Pamplin City), Bedford City, Bedford County, Campbell County (including Towns of Altavista and Brookneal), and Lynchburg City. The Region 2000 Multi-Jurisdiction Hazard Mitigation Plan followed the FEMA guidelines and publications with separate sections devoted to the following:

- I. EXECUTIVE SUMMARY
- II. INTRODUCTION
- III. COMMUNITY PROFILE
- IV. PLANNING PROCESS
- V. HAZARD IDENTIFICATION AND RISK ASSESSMENT (HIRA)
- VI. MITIGATION
- VII. IMPLEMENTATION AND PLAN MAINTENANCE
- VIII. REFERENCES
- IX. APPENDICES



Sections I through III provide background information on the mitigation plan and communities in Region 2000 Regional Commission. Section IV on the planning process highlights how Region 2000 contracted with the Virginia Tech Center for Geospatial Information Technology (CGIT) and the various meetings that were held through the plan development and adoption process. Section V gives a detailed account of the various hazards (primarily natural) that impact Region 2000. The table below summarizes the severity of these hazards by listing priority rank (developed by the regional steering committee) and the impact of the hazard (location in Region 2000 with highest vulnerability and overall \$ loss when estimated).

Hazard Identification and Risk Assessment Results		
Hazard Type	Rank	High Vulnerability Areas and \$ Loss
Winter Storms (Ice/Snow)	High	Snow: Western Bedford and Amherst Counties; Ice: Region wide
Flood (Hurricane)	High	Bedford County (Smith Mountain Lake), Lynchburg (James River), Town of Altavista (flood and stormwater drainage); <i>Total Annualized Regional Loss: \$2,194,531</i>
Drought	High	Area served by wells only region wide, especially Bedford and Campbell Counties
Wind (Hurricane/Tornado)	Medium	Hurricane Wind: Densely populated areas of Bedford and Lynchburg Cities and Lynchburg suburbs in Bedford and Campbell Counties; <i>Total Annualized Regional Loss: \$1,421,500</i> Tornado: US 460 Corridor in Bedford County, Bedford City, and Campbell County
Wildfire	Medium	Heavily forested areas in southern Amherst County, northern Campbell County, western Bedford County, and pockets throughout Appomattox County
Landslide and Land Subsidence	Low	Steep slope road cuts region wide, slightly higher vulnerability in Campbell and Appomattox Counties
Terrorism	Low	Specific locations throughout region as denoted by local emergency operations plans
Earthquake	None	Relatively low vulnerability region wide

Section VI presents the different mitigations actions developed by each community to address these hazards. As listed in the Plan's vision, the actions focused on structural projects, education, information and data development, and policy and planning. Communities also developed regional and jurisdictional actions, which bridged action categories and involved inter-community coordination. The table below summarizes the mitigation actions for the Region:

Mitigation Action Summary		
Mitigation Action Type	Highest Ranked Action(s)	Comments
Education and Outreach	1. Weather Related Hazards Education	Almost all communities included a weather related hazards education action, with 6 communities also having a specific drought education action.
	2. Drought Mitigation Education	
Information and Data	1. Floodplain Map Updates	Most communities included a mitigation action



Mitigation Action Summary		
Mitigation Action Type	Highest Ranked Action(s)	Comments
Development		concerning the need for new information to aid efforts to update floodplain maps for the region.
Policy and Planning	1. Integrating Human Caused Hazards into EOPs	Almost all communities included the mitigation action of integrating human caused hazards into community emergency operations plans (EOPs).
Structural Mitigation	1. Maintaining Critical Facilities during Power Disruptions 2. Monitoring and Maintain areas near Right of Ways 3. Evaluate and establish adequate drainage systems	Power outages from primarily winter storms were seen as one of the most prevalent hazard related problems for the region. Structural actions for maintaining critical facility power and maintaining right of ways were ranked high by most communities. A number of communities also expressed the need to evaluate and establish better drainage systems to address stormwater issues.
Regional	1. Expand Regional Water Supply	All communities in the region ranked high having better regional water supply and distribution systems.
Jurisdictional	Varied	Additional mitigation actions added by communities included specific water system improvements, developing or expanding GIS systems, and establishing regional or Local Emergency Planning Commissions (LEPCs).

Section VII details the process each community plans to take to implement their mitigation actions listed in the Plan. In some cases, the mitigation actions listed are already underway in some form in the communities and will be integrated into existing plans and operations. This section also provides information about how each community adopted this Plan.

The Region 2000 Multi-Jurisdiction Hazard Mitigation Plan provides the region with a valuable tool to expand hazard mitigation and prepare communities to better address the impacts of hazards.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Resolution – Region 2000 Solid Waste Management Initiative

---

**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** July 1, 2006

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**PRESENTATION:**

The City of Bedford has actively participated in the Regional Solid Waste Management Initiative sponsored by the Virginia's Region 2000 Partnership Local Government Council in conjunction with the Counties of Amherst, Campbell, and Nelson, and the City of Lynchburg. The Regional Solid Waste Management Initiative has undertaken an initial Regional Solid Waste Management Analysis, completed in April 2005, and a Regional Solid Waste Management Financial, Operational, and Regulatory Analysis, completed in May 2006. Both analyses describe a potential regional solid waste management structure that is financially advantageous and operationally sound. The next phase of the Regional Solid Waste Management Initiative is implementing the recommendations of the Regional Solid Waste Management Financial, Operational, and Regulatory Analysis to form the regional solid waste management entity. The Implementation Phase will involve significant effort to negotiate with DEQ, designate a solid waste management region, prepare a revised solid waste management plan, develop a detailed proof of concept technical proposal and transition plan, secure solid waste permit amendments, legally establish the regional entity, and hire initial staff. This activity will require a significant commitment of both staff time and financial resources, with a timeframe for the implementation expected to take approximately three years.

**ACTION REQUESTED:**

City Council is requested to adopt a resolution in support of implementing the Regional Solid Waste Management Initiative and direct staff to continue efforts to successfully form the regional solid waste management entity.

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		YES	NO	OTHER	<u>ROUTING</u>	
DATE: _____	FLOOD	( )	( )	( )	CITY ATTY.	( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( )
_____	THARP	( )	( )	( )	ENGINEERING	( )
	WANDREI	( )	( )	( )	FINANCE	( )
					FIRE DEPT.	( )
					OTHER:	_____

## **RESOLUTION**

**WHEREAS**, the City of Bedford has actively participated in the Regional Solid Waste Management Initiative sponsored by the Virginia's Region 2000 Partnership Local Government Council in conjunction with the Counties of Amherst, Campbell, and Nelson, and the City of Lynchburg; and

**WHEREAS**, the Regional Solid Waste Management Initiative has undertaken an initial Regional Solid Waste Management Analysis, completed in April 2005, and a Regional Solid Waste Management Financial, Operational, and Regulatory Analysis, completed in May 2006; and

**WHEREAS**, both analyses describe a potential regional solid waste management structure that is financially advantageous and operationally sound; and

**WHEREAS**, the next phase of the Regional Solid Waste Management Initiative is implementing the recommendations of the Regional Solid Waste Management Financial, Operational, and Regulatory Analysis to form the regional solid waste management entity; and

**WHEREAS**, the Implementation Phase will involve significant effort to negotiate with DEQ, designate a solid waste management region, prepare a revised solid waste management plan, develop a detailed proof of concept technical proposal and transition plan, secure solid waste permit amendments, legally establish the regional entity, and hire initial staff; and

**WHEREAS**, this activity will require a significant commitment of both staff time and financial resources, with a timeframe for the implementation expected to take approximately three years; and

**NOW THEREFORE BE IT RESOLVED**, the City of Bedford does hereby support the concept of implementing the Regional Solid Waste Management Initiative and directs staff to continue efforts to successfully form the regional solid waste management entity.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Bedford does authorize its City Manager to sign any documents necessary for this effort short of the formal establishment of the entity.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Resolution Approving the Assignment of the Cable Television Franchise

**DATE OF COUNCIL MEETING:** June, 13 2006

**DATE:** June 7, 2006

**PRESENTATION:**

By application filed with the City of Bedford on or about February 29, 2006, Charter Communications, LLC and Cebridge Acquisition Co, LLC have entered into an Asset Purchase Agreement dated February 27, 2006 under which Charter Communications, LLC and Cebridge Acquisition Co, LLC agree to transfer to Cebridge "substantially" all of its assets involved in operating cable systems in a number of franchises including the City of Bedford.

The City reviewed the transfer request and investigated the financial and technical ability of the purchasing company to operate a cable television franchise.

City staff had two major concerns regarding the transfer. These were:

- The actual holder of the franchise would be Cebridge Acquisition, L.L.C d/b/a Suddenlink Communications. This corporate entity lacked material assets and proved to be a poor recourse for the City in the event that the franchise was not managed correctly. The parent company, Cequel Communications, LLC f/k/a Cebridge III, LLC has substantially more assets. To resolve this concern the City negotiated for a guaranty of performance of the franchise agreement on the part of the parent company.
- Given this acquisition, "Suddenlink" would go from being a small cable company with approximately 350,000 subscribers to one with over 1.2 million subscribers. The City was concerned that Cebridge would not have the facilities required to provide adequate customer support to such a large customer base. To resolve this concern the City obtained written guarantees that additional call center facilities were being purchased to serve the new customers.

In addition to working out these specific issues, the City negotiated a very detailed and specific transfer resolution that codified many of the concerns of the City. With these guarantees and agreements from Cebridge, the transfer of the franchise is in the best interests of the City of Bedford.

**ACTION REQUESTED:**

Council is requested to adopt the attached Resolution Approving the Assignment of the Cable Television Franchise.

		YES	NO	OTHER	ROUTING		
DATE: _____	FLOOD	( )	( )	( )	CITY ATTY.	( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( )	IT ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( )	PKS/REC/CEM ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( )	POLICE. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( )	PUBLIC WKS ( )
_____	THARP	( )	( )	( )	ENGINEERING	( )	SEWER ( )
	WANDREI	( )	( )	( )	FINANCE	( )	WATER ( )
					FIRE DEPT.	( )	OTHER: _____

**RESOLUTION OF THE APPROVING THE ASSIGNMENT OF THE CABLE  
TELEVISION FRANCHISE**

**WHEREAS,** Interlink Communications Partners, LLC (the “Franchisee”) owns, operates, and maintains a cable television system (“System”) serving the City of Bedford, Virginia pursuant to the Bedford Cable Television Ordinance (the “Ordinance”) and a franchise agreement (the “Franchise”) issued by the City of Bedford, Virginia (the “City”), and Franchisee is the duly authorized holder of the Franchise; and

**WHEREAS,** Charter Communications Operating, LLC has entered into an Asset Purchase Agreement (the “Agreement”) with Cebridge Acquisition Co. LLC in which, among other things, the Franchisee proposes to sell and assign to Cebridge Acquisition Co. LLC certain of the assets, including the Franchise, used by Franchisee in the operation of the System (the “Transaction”); and

**WHEREAS,** Cebridge Acquisition Co. LLC will assign, among other things, its right to acquire the Franchise and System under the Agreement to Cebridge Acquisition, LLC. d/b/a Suddenlink Communications (“Suddenlink”) prior to the closing of the Transaction and Cebridge Connections Holdings, LLC will be the ultimate parent of Cebridge Acquisition, LLC.; and

**WHEREAS,** Cequel Communications, LLC f/k/a Cebridge III, LLC a parent of Cebridge Acquisition, LLC, will hold an equity interest in Cebridge Acquisition, LLC and upon the closing of the Transaction, will be the recipient and holder of the debt funds and working capital for the Transaction and will be the financial reporting entity for Cebridge Acquisition, LLC; and

**WHEREAS,** Cequel Communications, LLC f/k/a Cebridge III, LLC certified that it has sufficient financial resources to assure that Cable Acquisition, LLC perform in accordance with the Ordinance, Franchise, and this Resolution and Cebridge Holdings LLC acknowledges Cequel Communications, LLC f/k/a Cebridge III, LLC guaranty; and

**WHEREAS,** Suddenlink will acquire Charter's West Virginia Call Center which currently provides call services to the City of Bedford; and

**WHEREAS,** Franchisee and Suddenlink have requested the consent of the City for the assignment of the Franchise in accordance with the requirements of the Franchise and applicable law and have filed with the City a franchise assignment application on FCC Form 394 that includes relevant information concerning the Transaction and the legal, technical and financial qualifications of Suddenlink and a letter dated April 12, 2006 (collectively, the "Application"); and

**WHEREAS,** the City has determined that it is appropriate to grant its consent to the transfer of the Franchise and System pursuant to the Transaction described in the Application, and the City's rights will be adequately protected.

**NOW THEREFORE BE IT RESOLVED BY THE CITY AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are incorporated herein by reference.



**SECTION 2.** The City hereby approves the Transaction and consents to the assignment of the Franchise and System to Suddenlink pursuant to the conditions described in the Application, that such consent to transfer is granted subject to the following conditions all of which have been agreed to by Suddenlink and Franchisee.

**SECTION 3.** The City hereby consents to and approves (a) the pledge or grant of a security interest to any lender(s) in Suddenlink's assets, including, but not limited to, the Franchise, or of interests in Suddenlink, for purposes of securing any indebtedness.

**SECTION 4.** The City confirms that the Franchise was properly granted or assigned to Franchisee and is in full force and effect.

**SECTION 5.** Upon the close of the Transaction, Cebridge Acquisition, LLC the legal entity holding the Franchise and the System, shall assume all obligations and liabilities of the Franchisee under the Franchise, the Ordinance, and this Resolution, including, without limitation, all obligations, if any, of the Franchisee as are currently required to have been performed, but have not been performed.

**SECTION 6.** The City's approval of the Transaction and its consent to the assignment of the Franchise and System to Suddenlink shall be effective upon the closing of the Transaction, and Suddenlink shall notify the City upon the closing of the Transaction (the "Closing Date") and shall provide the City with a family tree of the final organizational structure, including but not

limited to, all parent companies to Cebridge Acquisition, LLC, and indicate what entities hold the Franchise, the employees and the System.

**SECTION 7.** Cebridge has agreed to and shall maintain at least the same level and quality of cable system technical operations, cable services, and customer service as Interlink Communications Partners, LLC provided in the City the year prior to the effective date of this Resolution consistent with any Franchise obligations.

**SECTION 8.** Cequel Communications, LLC f/k/a Cebridge III, LLC has agreed to and signed a guaranty regarding the performance of Cebridge under the terms and conditions of the Ordinance, Franchise, and this Resolution and Cebridge Holdings LLC as holding company for Cequel Communications, LLC f/k/a Cebridge III, LLC has acknowledged Cequel Communications, LLC f/k/a Cebridge III, LLC guarantee.

**SECTION 9.** Suddenlink will deliver to the City the performance bond required by the Franchise within thirty (30) days of Closing.

**SECTION 10.** Prior to the City Council's approval of this Resolution, Cebridge Acquisition, LLC shall submit its written acceptance indicating agreement with all the provisions of this Resolution and shall submit a signed copy of the guaranty and Cebridge Holdings, LLC's acknowledgement of Cequel Communications, LLC f/k/a Cebridge III, LLC guaranty referenced above. In the event that the guaranty and the Cebridge Holdings LLC

acknowledgement letter are not received by the City by the close of the Transaction, the transfer request shall be considered denied.

**SECTION 11.** These consents shall not in any way waive, diminish or otherwise affect adversely any right that the City has, may have, or may at any time or in any manner subsequently acquire, with respect to any matter, including without limitation, the right of the City to require compliance with the terms of the Ordinance, the Franchise, and this Resolution and to conduct any franchise fee audit or review and order payment of unpaid franchise fees.

**SECTION 12.** The City's approval of the Transaction and its consent to the assignment of the Franchise and System to Suddenlink is contingent upon the faithful performances by Suddenlink of its obligation under this Resolution.

**SECTION 13.** This Resolution shall have the force of a continuing agreement with Franchisee and Suddenlink, and the City, so long as Suddenlink is in compliance with all of the terms and conditions hereof, shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee and Suddenlink.

**SECTION 14.** This Resolution shall take effect and be in force upon adoption.

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Appropriating Funds Borrowed for the Purchase of a Generator

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**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 6, 2006

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**PRESENTATION:**

At the November 22, 2005 council meeting, City Council adopted a resolution to finance the acquisition of equipment by means of lease/purchase financing. A total of \$720,000 was borrowed. \$126,100.00 of the funds borrowed was for the acquisition and installation of a generator to serve the Municipal building. The funds borrowed must be appropriated prior to being used by the City.

**ACTION REQUESTED:**

City Council is requested to appropriate \$126,100.00 in funds in the budget for Fiscal Year 2005-2006 to account number 10044340-581136 for the purpose of purchasing a generator.

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		YES	NO	OTHER	ROUTING	
DATE:_____	FLOOD	( )	( )	( )	CITY ATTY. ( )	HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS. ( )	PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV. ( )	POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV. ( )	PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC ( )	SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING ( )	WATER ( )
	WANDREI	( )	( )	( )	FINANCE ( )	I.T. ( )
					FIRE DEPT. ( )	OTHER:_____

**CITY OF BEDFORD, VIRGINIA  
CITY COUNCIL  
ACTION FORM**

**ITEM:** Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

**DATE OF COUNCIL MEETING:** June 13, 2006

**DATE:** June 2, 2006

**PRESENTATION:**

The City intends to borrow funds to finance the upgrade of the Stoney Creek Reservoir in order to meet current Virginia Department of Conservation and Recreation ("VADCR") criteria for a Class I structure. The price of the engineering services to be provided by Thompson & Litton prior to the construction phase of the project is estimated to be \$500,000. This project has been approved as part of the Fiscal Year 2006-2007 budget.

In connection with that borrowing, Council needs to adopt a "reimbursement resolution" providing for the reimbursement to the City from the bond proceeds of certain expenses that will have been incurred in the period 60-days prior to the date of the resolution. (This is required under certain technical Internal Revenue Code provisions.)

Christopher Kulp with the law firm of Hunton & Williams has acted as bond counsel for the City and has drafted the necessary reimbursement resolution.

**ACTION REQUESTED:**

City Council is requested to adopt the attached reimbursement resolution.

		YES	NO	OTHER	ROUTING	
DATE: _____	FLOOD	( )	( )	( )	CITY ATTY.	( ) HR ( )
	HUBBARD	( )	( )	( )	CITY TREAS.	( ) PKS/REC/CEM ( )
APPROVED ( )	MESSIER	( )	( )	( )	COMM.DEV.	( ) POLICE ( )
DENIED ( )	PADGETT	( )	( )	( )	COMM.REV.	( ) PUBLIC WKS. ( )
DEFERRED TO:	STANLEY	( )	( )	( )	ELECTRIC	( ) SEWER ( )
_____	THARP	( )	( )	( )	ENGINEERING	( ) WATER ( )
	WANDREI	( )	( )	( )	FINANCE	( ) I.T. ( )
					FIRE DEPT.	( ) OTHER: _____

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF A BORROWING**

**WHEREAS**, the City of Bedford, Virginia (the "Borrower"), intends to upgrade the Stoney Creek Reservoir in order to meet current Virginia Department of Conservation and Recreation ("VADCR") criteria for a Class I structure (collectively, the "Project"); and

**WHEREAS**, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:**

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, in an amount not currently expected to exceed \$500,000 to pay the costs of the Project.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is 60 days prior to the date hereof. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

Adopted \_\_\_\_\_, 2006

